

August 26, 2020

The Public Service Commission convened on August 26, 2020, 10:03 a.m. via teleconference under North Dakota Executive Order 2020-16 in response to the COVID-19 crisis in the United States.

Commissioners Kroshus, Fedorchak and Christmann attended in the Commission Hearing Room, State Capitol, Bismarck, North Dakota.

Minutes

Mr. Kroshus: I move the minutes of August 5, 2020, be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-18-323
Otter Tail Power Company
Mike Striha - McHenry County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission issue a Notice of Opportunity for Hearing in Otter Tail Power Company, Mike Striha – McHenry County, Public Convenience & Necessity, Case No. PU-18-323.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-330
Public Service Commission
Wagner Construction, Inc.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Corrected Order on Consent Agreement in Public Service Commission, Wagner Construction, Inc., Damage Prevention Enforcement, Case No. PU-19-330, and in Public Service Commission, Wagner Construction, Inc., Damage Prevention Enforcement, Case No. PU-20-273.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-273
Public Service Commission
Wagner Construction, Inc.
Damage Prevention Enforcement

Case No. PU-19-373
Public Service Commission
Rak Construction, LLC
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission close Public Service Commission, Rak Construction, LLC, Damage Prevention Enforcement, Case No. PU-19-373.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-19
Public Service Commission
Cowboy Crane Service, LLC
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission close Public Service Commission, Cowboy Crane Service, LLC, Damage Prevention Enforcement, Case No. PU-20-019.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-196
Montana-Dakota Utilities Co.
Petro-Hunt, LLC - Burke County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission adopt the Order in Montana-Dakota Utilities Co., Petro-Hunt, LLC – Burke County, Public Convenience & Necessity, Case No. PU-20-196.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-197
Montana-Dakota Utilities Co.
Petro-Hunt, LLC - Burke County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission adopt the Order in Montana-Dakota Utilities Co., Petro-Hunt, LLC – Burke County, Public Convenience & Necessity, Case No. PU-20-197.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-216
Otter Tail Power Company
Cody Beach - Stutsman County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission issue a Notice of Opportunity for Hearing in Otter Tail Power Company, Cody Beach – Stutsman County, Public Convenience & Necessity, Case No. PU-20-216.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-250
Montana-Dakota Utilities Co.
Dale Pahlke - Morton County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission adopt the Order in Montana-Dakota Utilities Co., Dale Pahlke – Morton County, Public Convenience & Necessity, Case No. PU-20-250.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-275
Otter Tail Power Company
WBI Energy - Benson County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission adopt the Order in Otter Tail Power Company, WBI Energy – Benson County, Public Convenience & Necessity, Case No. PU-20-275.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-334
Otter Tail Power Company
Scott Chase - Benson County
Public Convenience & Necessity

Mr. Kroshus: I move the Commission adopt the Order in Otter Tail Power Company, Scott Chase – Benson County, Public Convenience & Necessity, Case No. PU-20-334.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. WM-20-369
Public Service Commission
Weights and Measures
Rulemaking

See Page 7

Case No. GS-20-370
Public Service Commission
Pipeline Safety
Rulemaking

Case No. PU-11-662
 Allete Clean Energy, Inc.
 100 MW Clean Energy #1 Wind Pjc -
 Mercer & Morton
 Siting Application

Mr. Kroshus: I move the Commission execute Contract Number PU-838-20-EE with Keitu Engineers & Consultants, Inc. for construction inspection services in ALLETE Clean Energy, Inc., 100 MW Clean Energy #1 Wind Pjc – Mercer & Morton, Siting Application, Case No. PU-11-662.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-247
 OE2 North LLC
 8" NGL & 20" Residue Gas Pipelines -
 Williams Cnty
 Siting Application

Mr. Kroshus: I move the Commission execute Contract No. PU-837-20-EE with Barr Engineering Co. for construction inspection services in OE2 North LLC, 8" NGL & 20" Residue Gas Pipelines - Williams Cnty, Siting Application, Case No. PU-20-247.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Blaster Re-Certification
 Approval

Mr. Kroshus: I move the Commission approve blaster re-certification for the following applicants:

Applicant	Affiliation	Certificate No.
Catherine Kolden	BNI Coal Ltd.	16-11-394-(R1)
Tyrell Murrey	BNI Coal Ltd.	16-11-395-(R1)
Joshua Boyko	Vendor	14-08-360-(R2)
Ross Aman	Vendor	14-12-369-(R2)

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-20-373
 Wayne Fonder
 Auctioneer License
 Revocation

Mr. Kroshus: I move the Commission adopt the Order Revoking Auctioneer License in Wayne Fonder, Auctioneer License, Revocation, Case No. AU-20-373.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-20-374
 Wayne Fonder
 Auction Clerk License
 Revocation

Mr. Kroshus: I move the Commission adopt the Order Revoking Auction Clerk License in Wayne Fonder, Auction Clerk License, Revocation, Case No. AU-20-374.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-202
 Public Service Commission
 Damian Dvorak
 Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Damian Dvorak, Damage Prevention Enforcement, Case No. PU-20-202.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-310
Northern States Power Company
Advance Prudence - 98.9 Mower Co.
Wind Facility
Application

Mr. Kroshus: I move the Commission adopt the Order on Settlement Agreement in Northern States Power Company, Advance Prudence, 98.9 Mower Co. Wind Facility, Application, Case No. PU-19-310.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-259
Northern States Power Company
Transmission Facility Cost Recovery
Tariff

Mr. Kroshus: I move the Commission adopt the Order in Northern States Power Company, Transmission Facility Cost Recovery, Tariff, Case No. PU-20-259.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-356
Nodak Electric Cooperative, Inc.
vs. Otter Tail Power Company
Complaint

Mr. Kroshus: I move the Commission find the Complaint filed by Nodak Electric Cooperative, Inc. on July 29, 2020, states a *prima facie* case, and serve the Complaint on the Respondent in Nodak Electric Cooperative, Inc., vs. Otter Tail Power Company, Complaint, Case No. PU-20-356.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-852
Basin Electric Power Cooperative
Lonesome Creek Station Phase III
Project
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order on Continuing Suitability in Basin Electric Power Cooperative, Lonesome Creek Station Phase III Project, Siting Application, Case No. PU-14-852.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-247
OE2 North LLC
8" NGL & 20" Residue Gas Pipelines -
Williams Cnty
Siting Application

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in OE2 North LLC, 8" NGL & 20" Residue Gas Pipelines - Williams Cnty, Siting Application, Case No. PU-20-247.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-263
Dakota Prairie Refining, LLC
Amend Cert. No. 151, Permit No. 162
& 163
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order in Dakota Prairie Refining, LLC, Amend Certificate No. 151, Permit No. 162 and 163, Siting Application, Case No. PU-20-263.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-364
FPL Energy Oliver Wind I, LLC / Oliver
Wind I, LLC
Transfer - Certificate #92 & Permit
#102
Siting Application

Ms. Fedorchak: I move the Commission assess a filing fee of \$10,000 and issue a Notice of Opportunity for Hearing in FPL Energy Oliver Wind 1, LLC / Oliver Wind 1, LLC, Transfer Certificate #92 & Permit #102, Siting Application, Case No. PU-20-364

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-20-180
Public Service Commission
2020 Hettinger and Stark Counties
AML Project
Project

Mr. Christmann: I move the Commission authorize staff to issue change orders to increase the amount of Contract No. AM-827-20 with Dan Hart Patrol Service, LLC. by an amount of \$90,000 for additional work in the Public Service Commission's 2020 Hettinger and Stark Counties AML Project, Case No. AM-20-180.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-199
Consolidated Communications
Enterprise Services, I
Fargo Rate Center
Numbering Resources

Mr. Christmann: I move the Commission adopt the Order in Consolidated Communications Enterprise Services, Fargo Rate Center, Numbering Resources, Case No. PU-20-199.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-20-372
Missouri Auction School
Auction School Course Approval -
Online
Application

Mr. Christmann: I move the Commission adopt the Order Granting Request for Auction School Course Approval in Missouri Auction School, Auction School Course Approval – Online, Application, Case No. AU-20-372.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-312
Public Service Commission
Northwest Grading, Inc.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission appoint Brian Johnson and Victor Schock as advocacy staff effective August 10, 2020, in Public Service Commission, Northwest Grading, Inc., Damage Prevention Enforcement, Case No. PU-19-312.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Adoption of the Gas Pipeline Safety
Program Manual

Mr. Kroshus: I move the Commission adopt the August 26, 2020 Public Service Commission Gas Pipeline Safety Program Manual.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Revised Federal Railroad Safety
Program State Participation Agreement

Mr. Kroshus: I move the Commission execute the revised Federal Railroad Safety Program State Participation Agreement that was initially executed on July 29, 2015 implementing a North Dakota Rail Safety Program to participate in inspection and enforcement activities concerning rail safety laws and regulations of the Federal Railroad Administration.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Authority to Execute Revisions to the
Federal Railroad Safety Program State
Participation Agreement

Mr. Kroshus: I move that effective September 1, 2020, the Commissioner who holds the portfolio for the Railroad Safety Program is authorized to execute revisions to the Federal Railroad Safety Program State Participation Agreement that was initially executed on July 29, 2015 implementing a North Dakota Rail Safety Program to participate in inspection and enforcement activities concerning rail safety laws and regulations of the Federal Railroad Administration.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AD-20-375
Public Service Commission
2021 - 2023
Budget

Mr. Kroshus: I move the Commission acknowledge the submission of the 2021 - 2023 budget to the Office of Management and Budget in accordance with the Governor's guidelines.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. AD-20-375
Public Service Commission
2021 - 2023
Budget

Mr. Kroshus: I move the Commission acknowledge the submission of the 2021 - 2023 Information Technology Plan to NDIT.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. WM-20-369
Public Service Commission
Weights and Measures
Rulemaking

Case No. GS-20-370
Public Service Commission
Pipeline Safety
Rulemaking

Mr. Kroshus: I move the Commission propose to adopt and amend the North Dakota Administrative Code as attached, issue a Notice of Intent to Amend Administrative Rules and Notice of Public Hearing, and issue an abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing for publication in each official county newspaper throughout the state as required by law, in Public Service Commission, Weights and Measures, Rulemaking, Case No. WM-20-369 and Public Service Commission, Pipeline Safety, Rulemaking, Case No. GS-20-370.

Article 69-10 Testing and Safety
Section 69-09-03-02 Adoption of Regulations

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

ATTEST


Executive Secretary

THE COMMISSION ADJOURNED AT 12:18 P.M.


BRIAN KROSHUS, CHAIRMAN